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SENATE RESOLUTION 148
By McNally

A RESOLUTION memorializing the United States Congress not to adopt proposed amendments to the Stark II regulations.

WHEREAS, maintaining patient access to affordable, quality health care is of paramount concern to the well-being of all Americans; and

WHEREAS, recently proposed regulations by members of Congress to implement the 1993 amendments to the "Stark" law as they affect the provision of chemotherapy in the physician office setting pose a serious threat to the health of cancer patients in this country; and

WHEREAS, these proposed regulations, if enacted, would reduce chemotherapy reimbursement to acquisition costs, while failing to adequately pay for other activities needed to provide and support patient chemotherapy in outpatient settings; and

WHEREAS, such regulations would make it financially impossible to treat cancer patients in offices; in addition, significant concerns exist as to how the Health Care Financing Administration would implement Ambulatory Patient Categories and whether the Administration would attempt to severely limit chemotherapy reimbursements in hospitals; and

WHEREAS, the administration of outpatient chemotherapy in physician office settings is a safer, more convenient and more cost-effective method for patients to receive their chemotherapy treatments; and

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WHEREAS, many of these patients will suffer needlessly if forced to travel long distances to treatment sites rather than being able to utilize the services of their local physicians; and

WHEREAS, these amendments, if adopted, would threaten the very existence of community cancer care as we know it, not to mention its impact on community oncology in offices, clinics, groups and hospitals, who strive to ensure that cancer patients receive the quality care they deserve; and

WHEREAS, although the oncology community and Congress agreed in the Balanced Budget Act to set reimbursement for physician-administered chemotherapy and supportive therapies at AWP minus 5%, the HCFA has advocated such amendments to the Stark II regulations within days of the congressional agreement's implementation, without waiting to determine the impact of the agreement; and

WHEREAS, with 70% of all chemotherapy being delivered outside hospital settings in physician offices and clinics, most of these locations would be forced to close if these amendments were adopted, resulting in the dismissal of oncology nursing staff that patients rely on to accurately deliver chemotherapy, and the loss of quality control in the mixing of chemotherapy and supervision of its administration by trained physicians and nurses; and

WHEREAS, while the HCFA believes that eliminating the margin on chemotherapy in office settings will create a major windfall, the proposed amendments to the Stark II regulations will only serve to harm those persons in greatest need of medical assistance; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That we respectfully urge the Congress of the United States to address this important issue by not adopting the proposed amendments to the Stark II regulations.

BE IT FURTHER RESOLVED, That appropriate copies of this resolution be transmitted forthwith to the President of the United States, the Speaker of the United States House of

Representatives, the President of the United States Senate, and to each member of the Tennessee Congressional Delegation.